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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	Chapter 11
4D Factory Inc., <i>et al.</i> ,	Case No. 23-11618 MEW (Subchapter V Cases)
Debtors. ¹	(Jointly Administered)

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**DEBTORS' SECOND APPLICATION FOR AN ORDER PURSUANT TO BANRUPTCY
RULE 1007(C) FURTHER EXTENDING THE DEBTORS' TIME TO
FILE SCHEDULES AND REQUIRED STATEMENTS**

4D Factory, Inc. and The 4D Factory LLC, debtors and debtors-in-possession (the "Debtors") in the above captioned matters, by their proposed counsel, Spence Law Office, P.C. as and for their second application to extend their time to file schedules and required statements, respectfully submit and represent as follows:

1. The Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code on October 10, 2023 (the "Filing Date").
2. The Debtors are continuing to manage and operate their business as debtors in possession pursuant to section 1184 of the Bankruptcy Code.
3. Charles Persing has been appointed as the Subchapter V Trustee in these cases.

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are 4D Factory Inc. (6770), and The 4D Factory LLC's (8935).

4. By Order dated November 2, 2023, the Court directed joint administration of the Chapter 11 Cases of 4D Factory, Inc. (Case No. 23-11618 MEW) and The 4D Factory LLC (Case No. 23-11619 MEW) for procedural purposes only.

5. The statutory predicates for the relief requested herein are sections 105(a) and 521(a) of the Bankruptcy Code, and Bankruptcy Rules 1007(c) and 9006(b).

6. Proposed counsel for the Debtors was retained shortly before the Filing Date and the filing was on an emergency basis to stop an Article 9 UCC sale of The 4D Factory LLC's assets. The Debtors are still gathering information to complete the schedules and required statements and proposed counsel is still reviewing same with the Debtors.

7. By Order dated October 24, 2023, the Court extended the time for the Debtors to file their schedules and required statements to November 7, 2023.

8. The Debtors submit that additional time is needed to file the schedules and required statements through and including November 13, 2023 and that the additional time will not prejudice creditors of the estate. The first status conference is currently scheduled for November 15, 2023 and the Section 341 Meeting is scheduled for November 20, 2023.

9. Bankruptcy Rule 1007(c) provides that "any extension of time to file schedules, statements, and other documents . . . may be granted only on motion for cause shown and on notice to the United States Trustee, any committee . . . trustee, examiner, or other party as the court may direct." Fed. R. Bankr. P. 1007(c). Showing "cause" merely requires that a debtor "demonstrate some justification for the issuance of the order" and bankruptcy courts will normally grant such extensions "in the absence of bad faith or prejudice to the adverse party." *See, e.g., Bryant v. Smith*, 165 B.R. 176, 182 (W.D. Va. 1994). Courts in this and other jurisdictions have granted similar

relief in other cases. *See, e.g., In re Interfaith Med. Ctr., Inc.*, Case No. 12-48226 (CEC) (Bankr. E.D.N.Y. Dec. 3, 2012) (ECF 36) (granting additional 45 days to file schedules and statements).

10. Based on the foregoing, the Debtors believe that they have shown good cause for the further extension of time through and including November 13, 2023.

11. The Debtors have advised the Office of the United States Trustee (“UST”) that they are making this application and the UST has advised that it has no objection to the application. This application shall be served on the United States Trustee and Subchapter V Trustee upon its filing.

12. This is the Debtors’ second application for an extension of time to file its schedules and required statements.

WHEREFORE, the Debtors respectfully request an extension of time through and including November 13, 2023, to file the required schedules and statements and for such other and further relief as this Court deems just and proper.

Dated: Roslyn, New York
November 7, 2023

SPENCE LAW OFFICE, P.C.
Proposed Attorneys for the Debtors

By: /s/Robert J. Spence
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PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

4D Factory Inc., *et al.*,

Case No. 23-11618 MEW
(Subchapter V Cases)

Debtors.²

(Jointly Administered)

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ORDER EXTENDING TIME TO FILE SCHEDULES AND REQUIRED STATEMENTS

UPON the second application of the above-captioned Debtors for an Order of this Court extending the Debtors' time to file schedules and required statements, and the United States Trustee having noted its "no objection" to the relief, and good cause having been shown for the relief requested, it is hereby

ORDERED, that the Debtor's time to file schedules and required statements be and hereby is extended through and including November 13, 2023.

² The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are 4D Factory Inc. (6770), and The 4D Factory LLC's (8935).